

Amendments to the Drawings:

The attached replacement drawing sheet makes changes to Figs. 7-9 and replaces the original sheet with Figs. 7-9.

Attachment: Replacement Sheet (1)

REMARKS

Claims 1-7 are pending in this application. By this Amendment, claims 1-7 are amended for clarity and to conform with U.S. practice. The amendments are not intended to narrow the claims. No new matter is added. Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

I. Objection to the Drawings

The Office Action objects to the drawings. Applicants submit herewith a replacement sheet for drawing Figs. 7-9 to obviate the objection. Withdrawal of the objection is requested.

II. Rejection Under 35 U.S.C. §112

The Office Action rejects claims 1-7 under 35 U.S.C. §112, second paragraph. Applicants have amended the claims for clarity, to remove inferential terminology and to conform with U.S. practice. Withdrawal of the rejection is respectfully requested.

III. Rejections Under 35 U.S.C. §103(a)

The Office Action rejects claims 1 and 3-6 under 35 U.S.C. §103(a) over Privas (U.S. Patent No. 5,417,258) in view of de Laforcade (U.S. Patent No. 6,000,405) (De Laforcade); and rejects claims 2 and 7 under 35 U.S.C. §103(a) over Stone (U.S. Patent No. 4,322,020) in view of De Laforcade. Applicants respectfully traverse the rejections.

A. Independent Claim 1

Privas fails to teach or suggest a cap member that is formed as a separate body from the shaft, and having a pump cylinder that extends from the cap member into a laminated cylinder body, as recited in claim 1. Privas also fails to teach or suggest a cylindrical piston that is biased upwardly and vertically movable with respect to the cap member by the comb, as also recited in claim 1. In contrast to the cap member recited in claim 1, the fixing plug taught in Privas is not related to a separate shaft, and instead has a lateral nozzle that has no

structural similarity to the cap member recited in claim 1. Privas has a structure that is different from, and functions in a different manner from, the structure of a container with a comb for applying a substance as recited in claim 1. De Laforcade does not overcome the deficiencies of Privas.

In addition, De Laforcade fails to disclose a hollow comb that is vertically movable with respect to a laminated container body and a cap member, as recited in claim 1. The dispensing head disclosed in De Laforcade is integrally connected to the container body and is only slightly pivotally movable. De Laforcade discloses a dispensing head that is structurally and functionally different from the hollow comb and shaft recited in claim 1.

For the reasons described above, claim 1 is patentable over the combination of Privas and De Laforcade. Applicants respectfully submit that the rejection of claim 1, and the rejection of claims 3-6, which depend from claim 1, should be withdrawn.

B. Independent Claim 2

Stone fails to teach or suggest a cap member that is formed as a separate body from the shaft, and having a pump cylinder that extends from the cap member into an inner container, as recited in claim 2. In contrast to the cap member recited in claim 2, Stone teaches a removable hood that is not related to a separate shaft, and instead has a lateral nozzle that has no structural similarity to the cap member recited in claim 2. Stone also fails to teach or suggest a cylindrical piston that is biased upwardly and vertically movable with respect to the cap member by the comb, as also recited in claim 2. Stone has a structure that is different from, and functions in a different manner from, the structure of a container with a comb for applying a substance as recited in claim 2. De Laforcade does not overcome the deficiencies of Stone.

In addition, De Laforcade fails to disclose a hollow comb that is vertically movable with respect to a double container body and a cap member, as recited in claim 2. The dispensing head disclosed in De Laforcade is integrally connected to the container body and is only slightly pivotally movable. De Laforcade discloses a dispensing head that is structurally and functionally different from the hollow comb and shaft recited in claim 2.

For the reasons described above, claim 2 is patentable over the combination of Stone and De Laforcade. Applicants respectfully submit that the rejection of claim 2, and the rejection of claim 7 which depends from claim 1, should be withdrawn.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:RMJ/hms

Attachments:

Petition for Extension of Time
Replacement Sheet (1)

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